

plaintiff, and no one appearing for the defendants before the close of the sittings of the term according to the rule of the Court, the proceedings were read and considered.

Considering the pleadings as they now stand, and the manner in which the case has been brought before the Court, the general replication has denied and put in issue every thing alleged by way of avoidance in the answers. All which matters must, therefore, be rejected; except, in so far as they may be found to have been substantiated by proof. The auditor was correct, therefore, in charging Odom with the whole amount of what he, in any way, had admitted he had received as the proceeds of the sale, or for the earnings of the schooner *Beauty*; and in rejecting all claims for disbursements on account of that vessel of which there was no evidence, other than the answers and mere exhibits of the defendants.

There is, however, some evidence in support of some of the claims made by the defendant Law, as ship's husband; and besides as to these the plaintiff's solicitor, in his notes, has distinctly admitted, that the defendants are entitled to a credit for \$453.23, which has not been allowed by the auditor; and therefore, the auditor's report must be rejected, and the plaintiff McKim must have a decree for the balance.

\*The plaintiffs by their bills claim a moiety of the proceeds of the sale and earnings of the schooner *Beauty* from the defendant Odom; and they resist the claim of the defendants Law & Harrison, for any alleged disbursements made by them as ship's husbands. As a foundation for an injunction, the plaintiffs endeavored to identify the proceeds of the vessel from Odom to the bank, so as to have them detained there. But in this they have failed; and therefore, can have relief as prayed only against the defendant Odom. I am also of opinion: that the defendant Odom is chargeable with interest from the time when it appears that the proceeds of the vessel reached this country, and were applied beneficially to his use, and ought to have been accounted for or paid to the other joint owner of the schooner.

Whereupon it is decreed, that the auditor's report be and the same is hereby rejected. And it is further decreed, that the defendant John Odom, pay or bring into this Court to be paid to the plaintiff John McKim, Junior, the sum of \$5,181.60, with interest from the 18th of June, 1827, until paid or brought in, together with his costs in his suit, to be taxed by the register. And it is further decreed, that the bill of complaint, as against the defendants George Law and William G. Harrison, be and the same is hereby dismissed without costs. And it is further decreed, that the bill of complaint, as against the defendants William F. Anderson, and the President and Directors of the Franklin Bank of Baltimore, be and the same is hereby dismissed with their costs, to be